

February 8, 2011

**Washington County Land Use Authority Meeting
February 8, 2011
(Recording available)**

The Washington County Land Use Authority Meeting was held on Tuesday, February 8, 2011 at the Washington County Administration Building, 197 E. Tabernacle, St. George, Utah. The meeting was convened at 1:30 p.m. by Chairman Mike Stucki. Commissioners present: Doug Wilson, Kim Ford, Rick Jones, Joann Balen, Debora Christopher and Dave Everett. Also present: Deon Goheen, Planning & Zoning Administrator; Todd Edwards, County Engineer, Rachelle Ehlert, Deputy Attorney; Kurt Gardner, Building Official; Kim Hafen, Clerk/Auditor; Dean Cox, County Administrator and John C. Willie, Senior Planner.

Excused: Julie Cropper

Absent: N/A

Audience attendance: Jeremy Leonard, Lisa Atkin, Andrew Osborn and Aaron Metler

Chairman Mike Stucki led the audience in the Pledge of Allegiance and explained meeting protocol.

Item #1. STAFF COMMENTS. Review staff comments for each item listed below. Staff initiated.

Item #2 CONDITIONAL USE PERMIT EXTENSION Review extension to operate a gravel crusher within the OST-20 Zone, Section 16, T42S, R14W, SLB&M, generally located 1/4 mile east of the Washington County Landfill. Dee Atkins, landowner/Western Rock Products, applicant. (*Tabled January 14, 2011*)

The planner noted this item was tabled at the previous meeting due to a lack of representation. This is a 3rd extension, with mining and mineral development being conditionally approved within the OST-20 zone. As reviewed previously, this is an area east of the County Landfill. Sanitation and water needs for dust control have been addressed. This area is to be leased by Western Rock and their initial crushing operation is within an M-1 zone, which less than one mile to the south of this location. The commission addressed operating hours, number of haul trucks, and provisions for reclamation of mining and mineral development. The applicant is in contact with MSHA and EPA on portable crushing and screening equipment that will be reviewed and monitored when it is in place. The commission will need to have that documentation on file. All trucks should be required to be covered with a tarp as per UDOT regulations.

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Jeremy Leonard, Western Rock Products Operations Manager, said the mobile crusher was on site prior to this slow period. They packed up and moved to another location this year as sales demand was not there. They would like to hold this use in reserve for future use. There are some stock piles on site for sale that will be moved to the Western Rock site for sale to take place.

Motion was made by Commissioner Balen to recommend approval of the Conditional Use Permit Extension, for a period of one (1) year. Commissioner Ford seconded the motion, with all six (6) commissioners voting aye.

Item #3. CONDITIONAL USE PERMIT EXTENSION Review extension on a Lake to Lake Team Relay from Gunlock Reservoir to Sand Hollow Reservoir, March 5, 2011 sponsored by City of St. George Recreation. St. George City/Aaron Metler, applicant.

The planner said this is the 2nd extension for the “Lake to Lake Team Relay” event scheduled for March 5th, 2011. St. George City is the host community for this event, with some of the route being in Washington County, which extends beyond their city limits. This is a one day event that will impact the travel on the Gunlock Rd. and Hwy 91 between 8 a.m. and 10 a.m. As previously reviewed, they have capped the race at 150 teams and only one runner at a time, although each team may consist of 5 members. The Sheriff’s Office worked with the City on a joint safety plan and they will provide law enforcement services at the race. Again, these types of uses are conditionally approved to make the commission and the public aware of activities and locations.

Commissioner Christopher congratulated Aaron Metler on taking 1st place at the St. George Marathon this past year.

Mr. Metler gave a handout review sheet to each commissioner stating that Utah Barricade will do their signage and place panel cones along Old Hwy 91 and the County Sheriff’s Office agreed to patrol for traffic control. There is ample parking on wide shoulders on the right side of Old Hwy 91. They will put the signs out on Thursday, instead of the day before. They will increase the number of port-a-potties at the start and have four (4) at each exchange. They will enforce a 2 hour time penalty on those who don’t use port-a-potties and have a 1 hour trash penalty. All participants should be off Old Hwy 91 by 10:15 am. There will be 2 Gold Cross ambulances on call.

Motion was made by Commissioner Christopher to recommend approval of the Conditional Use Permit Extension, for a period of one (1) year and that additional information be accepted as a part of the file. Commissioner Everett seconded the motion, with all six (6) commissioners voted aye.

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Item #4. CONDITIONAL USE PERMIT EXTENSION. Review extension for a charity event for New Harmony Fire Mud Run to be held on June 4th, 2011, races include a 10Km 5Km, or 1Km youth, located at the Old Highway 91 bridge in Kolob Mtn. Ranches Subdivision. Andrew Osborn, agent.

The planner explained this is an automatic annual review. Previously, the agent submitted a packet for the New Harmony Fire Mud Run in 2010. The event will start and finish on the Old Hwy. 91 Bridge at the Kolob Mountain Ranch Subdivision. The “mud run” will be a series of races designed to challenge the individual or teams to race using military style obstacles. This would include the scaling of walls, culvert pipe crawls, hay bale barricades, and mud pits. These types of events are reviewed conditionally at a public meeting to ensure that citizens have the opportunity to comment on the application (County Code 10-18-2 (amended 2008)). Their Proposal and Plan Outline addresses and emergency service plan, parking, transport, and road closure, which will need to be reviewed by the Public Work Department. The plan also addresses refuse and port-a-potties. The applicant has been asked to contact the Sheriff’s Office for review of services and once the race leaves the pavement, there may be approximately 1 mile of BLM. Staff has asked the agent to review application with these other agencies. The agent will need an updated liability insurance policy listing Washington County as a beneficiary.

Mr. Osborn, member of the New Harmony Fire Department, said there were 202 runners in 2010, which usually means the count will double to 400 or 500 runners the following year. The Ash Creek area east of the bridge is where the mud pits and obstacle course is located, instead of at the reservoir. The participants are asking for more obstacles and mud. There are more females registered than males. They charge \$50 for adults, \$35 for teenagers and \$15.00 for children, with a reduced fee for policeman, fireman and military. They have obtained letters from UDOT, BLM and the Sheriff’s Office and an update on liability insurance.

Motion was made by Commissioner Ford to recommend approval of the Conditional Use Permit Extension, for the period of one (1) year. Commissioner Christopher seconded the motion, with all six (6) commissioners voting aye.

Item # 5. PUBLIC HEARING Open hearing for Washington County Land Use (Zoning) Ordinance amendments regarding Water Source Protection Areas. County initiated.

The planner reminded the commission to open a public hearing on referenced by State Code, whereas amending Washington County Land Use Ordinance requires a minimum ten days published notice and 24 hour posting of agenda before other public meeting.

Chairman Stucki opened a public hearing at 1:59 p.m. The planner reviewed the information in conjunction with the item below. A public hearing was held and there were no objections. With no further comments being offered, Chairman Stucki closed the Public hearing at 2:02 p.m.

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Item #6. ORDINANCE AMENDMENT. Consider approval on amendment to the Washington County Land Use (Zoning) Ordinance, Title10, Chapter 23, Water Source Protection Areas. County initiated.

That planner reminded the commission of their review for an additional paragraph on enforcement at the previous meeting and corrections have been made to the document. The State Environmental Program Manager, Kate Johnson, sent relevant statute that the legislature wants included in the County Water Source Protection Areas chapter of the zoning ordinance. The Planning Commission and staff reviewed this in June of 2010 and it was delayed for review of the General Plan. The commission needs to adopt this by referencing the State Code, instead of adding the entire text from the codes. This amendment will be for water source protection areas in Chapter 23 of the Washington County Zoning Ordinance.

Facts/findings:

- **This amendment updates current Chapter 23 of the existing ordinance complying with mandate from the State**
- **In best public interest to protect water resources**

Motion was made by Commissioner Everett to recommend approval of the amendment to Chapter 23, with findings attached. Commissioner Balen seconded the motion, with all six (6) commissioners voting aye.

Item # 7. PUBLIC HEARING Open hearing for Washington County Land Use (Zoning) Ordinance amendments regarding SFR Seasonal Forest Residential Zone. County initiated.

The planner reminded the commission to open a public hearing on referenced by State Code, whereas amending Washington County Land Use Ordinance requires a minimum ten days published notice and 24 hour posting of agenda before other public meeting.

Chairman Stucki opened a public hearing at 2:06 p.m. The planner reviewed the information in conjunction with the item below. A public hearing was held and there were no objections. With no further comments being offered, Chairman Stucki closed the Public hearing at 2:08 p.m.

Item #8. ORDINANCE AMENDMENT. Consider approval on amendment to the Washington County Land Use (Zoning) Ordinance, Title10, Chapter 8, Article B, SFR Seasonal Forest Residential Zone. County initiated.

The planner reviewed the text changes by line item, showing that corrections have been made to the document. As reviewed previously, this is an amendment that staff has looked at several times and would like to have changes implemented. Different standards are usually allowed in the SFR zone on Kolob, so these changes are for clarification or change to building codes. This

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amendment will be for Seasonal Forest Residential Zone, Chapter 8 of the Washington County Zoning Ordinance.

Findings:

- **Update existing ordinance**
- **A public hearing was held and there were no objections**
- **Codifying existing use for commercial lodging**
- **Notify user that any dumping is not allowed following State and Federal regulations**

Motion was made by Commissioner Christopher to recommend approval of text changes to Title 10, Chapter 8, SFR Zone, with findings attached. Commissioner Balen seconded the motion, with all six (6) commissioners voting aye.

Item #9. STAFF DECISIONS Review of decisions from the Land Use Authority Staff Meeting held on February 1, 2011. County initiated.

The staff meeting convened at 9:30 a.m. Staff Members Present: Deon Goheen, Planning & Zoning Administrator; Kurt Gardner, Building Official; Rachelle Ehlert, Deputy Civil Attorney; Todd Edwards, County Engineer; Darwin Hall, Ash Creek Special Service District; Paul Wright, Department of Environmental Quality; and Tina Esplin, Washington County Water Conservancy District.

Excused: Ron Whitehead, Public Works Director; Robert Beers, Southwest Utah Public Health Department; and Becky Marchal, Questar Preconstruction Specialist

CONDITIONAL USE PERMIT EXTENSION:

A. Request permission to construct an accessory dwelling as a part of a detached garage (casita), within the RE-40.0 zone, Canyon Trails, Phase 2, Lot 20, Dammeron Valley, Utah. Paul and Ardeth Eastvold, applicant and Thomas Prehal, agent.

This is an automatic annual review. No permit has been issued and no site or house plan was found, so the building department staff determined that the applicant has picked them up. As previously reviewed, the applicant has requested an accessory dwelling within a garage structure, which is located at 1587 N. Canyon Trails Dr., in Dammeron Valley. The applicant had submitted a site plan and a floor plan to be reviewed by the building staff. The septic permit is approved for the main dwelling and is adequate for the 1 bedroom added in the accessory dwelling, which was obtained from the Southwest Utah Public Health Department. This meets the criteria set forth for accessory dwelling units and the casita portion is less than 900 square feet. **The staff granted an extension of the Conditional Use for another year, whereas, the initial work that went into applying for the conditional use should be enough to keep the permit active, subject to review of the floor plan during the permit process by the Department of Building Safety.**

Item #10. MINUTES Consider approval of the minutes of the regular planning commission meetings held on January 11 and 25, 2010.

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Commissioner Everett made a motion to approve the minutes of the January 11th meeting. Commissioner Christopher seconded the motion, with all six (6) commissioners voting aye.

Commissioner Everett made a motion to approve the minutes of the January 25th meeting. Commissioner Christopher seconded the motion, with all six (6) commissioners voting aye.

Item #11. COUNTY COMMISSION ACTION REVIEW Review of action taken by the County Commission on Planning Items. County initiated.

The Planner reviewed the action taken on Planning Items by the Washington County Commission on February 1, 2011, beginning at 4:00 p.m.: None

The planner said there was nothing to report.

Item #12. COMMISSION & STAFF REPORTS: General reporting on various topics. County initiated.

Deon Goheen, Planning Administrator